

AMENDED**APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE OF NEVADA**

Date of filing in State Engineer's Office APR 20 2000 NEW PRIORITY DATE: JUN 15 2007

Returned to applicant for correction MAY 16 2000

Corrected application filed SEP 13 2000

Map filed DEC 05 2000

The applicant **County of Elko**, hereby makes application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated.

1. The source of the proposed appropriation is **underground wells**.
2. The amount of water applied for is **.25 CFS** second-feet
 - (a) If stored in reservoir give number of acre-feet
3. The water to be used for **road maintenance**
4. If use is for:
 - (a) Irrigation, state number of acres to be irrigated
 - (b) Stockwater, state number and kinds of animals to be watered
 - (c) Other use (describe fully under No. 12. "Remarks") **road maintenance**
 - (d) Power:
 - (1) Horsepower developed
 - (2) Point of return of water to stream
5. The water is to be diverted from its source at the following point **underground well located in the NW¼ NW¼ Section 17 T35N R69E which bears from the NW Corner Section 17 T35N R69E S 64° 02' 43" E 371.49 ft. a found brass cap.**
6. Place of Use **Elko County Road #767 with a 60 ft. Right of Way and 31.5 mile length Road begins in the NW¼ NW¼, Section 6, T34N R69E; then heads Northeasterly through Section 31, T35N R69E; Section 30, T35N R69E; Section 19, T35N R69E; E½, Section 18, T35N R69E; W½, Section 17, T35N R69E; W½, Section 8, T35N R69E; Section 5, T35N R69E; Section 32, T36N R69E; Section 29, T36N R69E; NW¼ NW¼, Section 28, T36N R69E; W½, Section 21, T36N R69E; Section 16, T36N R69E; Section 9, T36N R69E; SE¼, Section 4, T36N R69E; W½, Section 3, T36N R69E; Section 34, T37N R69E; SE¼, Section 27, T37N R69E; W½, Section 26, T37N R69E; Section 23, T37N R69E; Section 14, T37N R69E; W½, Section 11, T37N R69E; W½, Section 2, T37N R69E; SW¼ SW¼, Section 35, T38N R69E; E½, Section 34, T38N R69E; Section 27, T38N R69E; Section 22, T38N R69E; SW¼, Section 15, T38N R69E; E½, Section 16, T38N R69E; Section 9, T38N R69E; W½, Section 4, T38N R69E; NE¼ NE¼, Section 5, T38N R69E; Section 19, 29, 30 and 32, all in T.39N., R.69E.**
7. Use will begin about **January 1** and end about **December 31** of each year.
8. Description of proposed works
9. Estimated cost of works **\$60,000.00**
10. Estimated time required to construct works **two (2) years**

11. Estimated time required to complete the application of water to beneficial use **ten (10) year**

12. Remarks: **Maintenance for 31.5 miles of Elko County Road #767**

By s/Eric L. Hearon
Eric L. Hearon
Milestone Surveying Inc. P.O. Box 2459
Elko Nevada 89801

Compared my/ cmf dl/ cmf

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed. This source is located within an area designated by the State Engineer, pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This permit is issued under the provisions of NRS 534.120(2) as a preferred use.

(CONTINUED ON PAGE 3)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.25 cubic feet per second, but not to exceed 10.0 acre-feet annually.

Work must be prosecuted with reasonable diligence and be completed on or before:

March 27, 2003

Proof of completion of work shall be filed before:

April 27, 2003

Water must be placed to beneficial use on or before:

March 27, 2006

Proof of the application of water to beneficial use shall be filed on or before:

April 27, 2006

Map in support of proof of beneficial use shall be filed on or before:

N/A

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 27th day of, March A.D. 2001

Hugh Ricci, P.E.
State Engineer

Completion of work filed MAY 27 2003

Proof of beneficial use filed _____

Cultural map filed N/A

Certificate No. _____ Issued _____

~~CANCELLED JUN 08 2007 BECAUSE OF
FAILURE OF APPLICANT TO COMPLY WITH
PROVISIONS OF PERMIT~~

~~Tony T. [Signature] STATE ENGINEER
Can. Rescinded 12-3-2007~~